

**TOWN OF WARREN
FALSE ALARM AND WOOD BURNING STOVE ORDINANCE**

Section 1 – Purpose of Ordinance

This ordinance is enacted to encourage responsible use of fire alarms by those protected by automatic electronic alarm systems. Responsible use includes maintaining equipment so that it is not susceptible false alarms by system failure and compliance of Wood Stoves.

Wood Burning Appliances: Fire Places, Wood Stoves, Pellet Stoves, Fire Place inserts –

Fire Places, Wood, Coal, Wood, Pellet Burning Stoves, Fire Place inserts or any appliance, Inserts, and free standing stoves that employ fuels other than LP-GAS (NATURAL GAS) or Electricity will not be allowed in individual units in multi-unit structures. This includes the replacement of any existing devices.

Any construction activity that includes alterations of these devices requires a Town of Warren Zoning Permit.

The Warren Volunteer Fire Department has indicated that human error or mechanical malfunctions of fire alarms and CO2 alarms in the Town of Warren have resulted in a significant number of false alarms being signaled to which the Fire Department must respond.

The emergency response to each false alarm requires the deployment of personnel and vehicles to non emergency situations and effectively removes that personnel and equipment from the designated service of protecting life and properties and causes unnecessary expenditure of public funds.

Reasonable regulation of the alarms should result in the significant decrease in false alarms, savings of public resources, and abatement of a public nuisance and enhance the public health, safety and welfare.

Section 2- Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 24 VSA Sections 1971 and 2291 (14), (15).

Section 3 – Definitions

3.1 – Alarm System: Any mechanism or device that is used in a building or premises for the detection of fire, or CO2 which is designed to transmit to an alarm monitoring company a signal, message, warning or other indication of an occurrence requiring the Fire Department response.

3.2 – A **wood-burning stove** is a heating appliance capable of **burning wood** fuel and **wood**-derived biomass fuel, such as **wood** pellets. Generally the appliance consists of a solid metal (usually cast iron or steel) closed fire chamber, a fire brick base and an adjustable air control.

3.3 - **Fireplace inserts** are these days categorized primarily by the type of fuel used (natural gas, propane, EPA-certified wood, pellet, coal and electric), though many people associate them with burning wood.

3.4 – Alarm System User: Any person, partnership, firm association, or any other entity in control and/or ownership of any building, structure, premises, or facility where an alarm system is installed, operated or maintained.

3.5 – Audible On-Site Alarms: Audible on-site alarms which may be heard in any public place shall be equipped and maintained to shut off automatically no longer than fifteen (15) minutes after being activated. Penalty shall be assessed for any audible false alarms or audible alarm that does not shut off automatically within fifteen (15) Minutes after being activated.

3.6 – Alarm Monitoring Company: A commercial or private alarm monitoring company that upon receiving notification of an alarm, notifies the Fire Department of the alarm activation.

3.7- Key Lock Box: A high security key vault which shall be a KNOX-BOX rapid entry master key system approved by the Fire Department.

3.8 – Fire Department: The Town of Warren Volunteer Fire Department.

3.9 False Alarms: For the purpose of assessing a penalty, a false alarm is defined as the activation of a police or fire alarm by audible, electronic or telephone means and/or the subsequent notification given by police or fire alarm by an alarm monitoring company or others to the 911 Emergency phone number, the Vermont State Police and/or the Warren Volunteer Fire Department that an emergency exists, and for which an emergency or other circumstance that could be perceived as an emergency does not exist, and for which the Fire Department have responded. Examples of false alarms include: but are not limited to the following:

- a) Alarms activated through inadvertence by the alarm user or persons authorized to use or maintain the residence.
- b) Negligence
- c) Accident
- d) Alarm Testing without prior notification to the Alarm Monitoring Company.
- e) Faulty installation or maintenance
- f) Improper or unsuited equipment
- g) Equipment malfunction.

An alarm activation caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user, including interruptions in electric power service, does not constitute a false alarm.

Section 4 – Person Responsible for False Alarms

An alarm system user or property manager shall be responsible for false alarms generated by their system or devices. The Manager will be required 2 times a year to check all CO2 or smoke detectors and alarm systems. Property Managers will notify property owners that they must change their batteries or have their systems checked. A written report to be sent to the Town Of Warren that this requirement has been met. A copy of this ordinance should be provided to all homeowners so that they are aware they or the homeowner association will be charged as stated in this ordinance.

Section 5 – Civil Designation

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A Sections 1974a and 1977 et seq.

Section 6 – Alarm and Key Lock Box System Requirements

6. 1 - Registration: Any Alarm System User who owns, operates, or maintains an Alarm System, including audible on-site alarm systems within the Town of Warren shall provide the Town of Warren and/or the Chief or their designee, written information, on a form acceptable to the Town, which contains:

- a) The Alarm System Users names, addresses, and telephone numbers annually if changed.
- b) The name, address and telephone of the alarm monitoring company.
- c) The names, addresses and telephone numbers of at least two (2) persons who can be notified to install, repair, or service the alarm system and secure the premise during any hour of the day or night that alarm might be activated.
- d) Full locatable directions to the premises including street name, condo, house, name, location and 911 address number.
- e) Information on the type of alarm system (s) installed.
- f) In the event that alarm system user has contracted with a local service that responds to the scene and takes responsibility for the repair or service of the alarm system and/or the premises, their name(s), addresses and telephone numbers must also be provided.
- g) Multi-family dwellings furnish floor plans which indicate the location of the key lock box, alarm control panel; main electrical panel, any hazardous or flammable materials and such other information as may be pertinent to emergency service responders.
- h) The alarm system user shall promptly notify the Town/or the Chief, in writing of any changes in this information

Should all of the above information not be provided, the system shall be considered an unregistered alarm and shall be subject to penalties for the same.

6.2 - Unregistered Alarms: False alarms received from unregistered alarm system shall be penalized from the first false alarm. Users of unregistered alarms shall have their alarm system, smoke detectors, and CO2 detectors inspected by an authorized service person of an alarm company shall file all the information required under Section 6.1 of this Ordinance with the Fire department within seven (7) days after the date of written notification of an unregistered alarm by the Fire Department. Failure to obtain the necessary inspection or to file the said and written report within the prescribed periods of time shall result in the imposition of a Failure to register penalty.

6.3 - Corrective Action of False Alarms: Following any false alarm, the cause of the false alarm must be corrected within five (5) days and a written report certifying that the corrective action has been taken shall be filed within (5) additional days with the fire department. Failure to correct the problem or submit the certification shall result in the imposition of a Failure to Report penalty.

6.4 - Key Lock Box System Requirements: All commercial buildings, single family non-primary residences, and multi-family dwellings within the Town of Warren having an Alarm System shall be equipped with a Key Lock Box at an accessible location near the main entrance of the structure or at such location approved by the Fire Department. The Town of Warren has designated "Knox-Box 3200 Series w/hinged door \$ 3275 or 3266) as the make and model of the Lock Box to be installed & must operate under key code "PS-47-0086-06-06".

The Alarms System User shall cause to be placed in such Key Lock Box keys, labeled and identified in a manner approved by the Fire Department to the follows areas:

- a) Locked points of access in the exterior of the building.
- b) Locked points of access in the interior of the building to mechanical rooms, electrical rooms, hallways, utility rooms, individual apartments, rented rooms and any other locked area of the building.
- c) Alarm control panel.
- d) Elevator keys, if any.
- e) Such other information required by the Fire Department such as key pad codes, maps or diagrams of floors and information on any hazardous or flammable materials stored in the building.

Failure to install and maintain the Key Lock Box System as required above shall result in the imposition of a Key Lock Box Violation penalty.

Section 7 – Penalties and Enforcement

7.0 – *The Chief of the Warren Fire Dept or the State Fire Marshall is authorized to order that the use and operation of woodstoves that are unsafe by virtue of manufacture, installation or maintenance can be prohibited by the Chief of the Warren Fire Dept or the State Fire Marshall upon verbal or written notification delivered to the owner, tenant or manager of the premises in which the wood stove or fireplace is located. The State Fire Marshall shall be called in to for investigation prior to the order being issued.*

7.1 - No penalty shall be imposed against the user for the first false alarm within a twelve-month period, except for false alarms from unregistered alarm systems.

7.2 - The penalty for the second offense for registered alarms, including audible on-site alarms, within a twelve month period shall be \$200.00 and a penalty for the third and subsequent offenses within a twelve month period shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

7.3 - The penalty for the second offense for unregistered alarms, including audible on-site alarms, within a twelve month period shall be \$200.00 and a penalty for the third and subsequent offenses within a twelve month period shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

7.4 - The penalty for the first offense for any audible on-site alarm that sounds for more than fifteen (15) minutes after activation with a twelve month period shall be \$200.00 and penalty for the second and subsequent offense shall be \$330.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

7.5 - The penalty for Failure to register shall be \$100.00 and the waiver fee shall be established at \$50.00.

7.6 The penalty for the second offense for registered alarms, including audible on-site alarms, within a twelve month period shall be \$200.00 and a penalty for the third and subsequent offenses within a twelve month period shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

The penalty for a Failure to Report shall be \$100.00 and the waiver fee shall be established at \$50.00

7.7 - The penalty for the first offense for a Key Lock Box Violation shall be \$200. and the penalty for the second and subsequent offenses shall be \$300.00 for each offense. The wavier fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offense.

7.8 - The penalty for the first offense for a prohibited Alarm Violation regardless of whether or not the call was false shall be \$200.00 and the penalty for the second and subsequent offense shall be \$300.00 for each offense. The Waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

7.9 - Enforcement: Any certified issuing law enforcement officer of the Fire Department as defined above shall be authorized to issue municipal complaints pursuant to this ordinance. This Ordinance enforcement procedure shall be as provided in 24 VSA 1974a.

Section 8 – Liability of the Town of Warren

The Town's regulation of Alarm and Key Lock Box Systems shall not constitute acceptance by the Town of Warren for any liability to maintain any equipment to answer alarms, or to take any action in connection therewith.

Section -9- Exception

Any building owned by the Town of Warren, The Warren Volunteer Fire Department shall be exempt from any penalties.

Section 10 – Severability

If any section, subsection, phrase, or any part thereof, is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

Section 11 – Publication and Posting

This Ordinance shall be entered in the Select board Minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the Town. A copy of this Ordinance shall be published in the Valley Reporter, not later than fourteen (14) days following the date specified below when this ordinance is adopted.

Section 12 – Information

The Town Administrator, whose telephone number is 496-2709, or the Zoning Administrator and whose address is PO Box 337, Warren, VT 05674, is a person knowledgeable about the Ordinance and is available to answer questions and to provide person with a full text thereof.

Section 13 – Right to Petition

Citizens of the Town of Warren are further hereby notified that within forty-four (44) days from the date of adoption they may petition for a vote on the above Ordinance at an annual or special town meeting as provided in 24 VSA 1973.

Section 14 – Adoption/Effective Date

This Ordinance is hereby adopted by the Selectboard of the Town of Warren on this ____ day of _____, 2015, and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

Section 15 – Recording

This Ordinance shall be recorded by the Town Clerk in the Records of the Municipality.

Town of Warren
Board of Selectmen

Andrew Cunningham,

Bob Ackland

Randy Graves

Clay Mays

Luke Youmell